

ORDER NO. R5-2007-XXXX

SPECIAL ORDER  
FOR  
W. A. GRIFFIN, JR.  
dba GRIFFIN RESOURCES  
MOUNT POSO OIL FIELD  
KERN COUNTY  
AMENDING WASTE DISCHARGE REQUIREMENTS ORDER NO. R5-2002-0108  
AND RESCINDING NPDES PERMIT NO. CA0081388

The California Regional Water Quality Control Board, Central Valley Region (hereafter Regional Water Board), finds that:

1. W. A. Griffin, Jr., dba Griffin Resources (hereafter Discharger), owns and operates crude oil producing wells in three oil field leases within the Mount Poso Oil Field near Oildale, Kern County. Produced water from the oil field is treated and discharged to Little Creek under Waste Discharge Requirements Order (Order) No. R5-2002-0108 and National Pollutant Discharge Elimination System (NPDES) permit No. CA0081388, adopted by the Regional Water Board on 7 June 2002.
2. The Discharger's oil field leases and crude oil treatment and discharge operations (Facility) are in Sections 28, 33, and 34, T26S, R28E, MDB&M. The Facility is on land owned by Mr. Wendell Weller.
3. Order No. R5-2002-0108 identifies Little Creek as a water of the United States (U.S.) and tributary to Poso Creek. The Order identifies Little Creek as an effluent dominated water body of which the Facility discharge provides the only flow (except for rare storm events).
4. Order No. R5-2002-0108 identifies the discharge as minor and specifies a daily maximum discharge flow of 0.432 million gallons.
5. On 18 January 2007, the Discharger filed a Report of Waste Discharge and submitted an application for renewal of the Order and NPDES permit to continue discharge of produced water to Little Creek.
6. On 11 April 2007, Regional Water Board staff conducted an inspection of the Facility, treatment system, and discharge in preparation of considering renewal of the Order and NPDES permit. Based on the field inspection and review of aerial photographs and U.S. Geological Survey topographic maps, Little Creek does not reach, and is not tributary to, Poso Creek. Thus, the discharge does not reach nor occur to a water of the U.S. and is not subject to regulation under the NPDES program.
7. On 30 May 2007, the April 2007 inspection report transmittal notified the Discharger that amended waste discharge requirements for ongoing discharge under authority of the California Water Code would be prepared and provided to the Discharger for comment. The May 2007 correspondence also stated that the NPDES permit would not be renewed.

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8. Sampling results of the discharge for California Toxics Rule priority pollutants and dioxins show there is no reasonable potential for the tested constituents to cause, or contribute to, an exceedance of a water quality objective or criteria in the receiving waters with one exception. However, the available data for aluminum was not adequate to determine reasonable potential. Order No. R5-2002-0108 allows revisions to the monitoring and reporting requirements (as ordered by the Executive Officer) and also allows the Order to be reopened for consideration of additional numerical effluent or receiving water limits for identified problem constituents. Thus, additional data can be obtained, and if reasonable potential exists, the necessary limits can be imposed without unnecessary delay.
9. The Discharger completed toxicity testing of the discharge in April and December 2006. Regional Water Board staff conducted additional toxicity testing in April 2007. Sampling results for acute and chronic toxicity show there is a minimum of 70 percent survival of aquatic organisms for each 96-hour bioassay and at least 90 percent survival (median) for three consecutive 96-hour bioassays.
10. Order No. R5-2002-0108 found the permitted discharge consistent with the antidegradation provisions of 40 CFR 131.12 and State Water Resources Control Board Resolution No. 68-16.
11. Given the foregoing, it is reasonable and appropriate to amend Order No. R5-2002-0108 to rescind authorization to discharge under the NPDES program and to amend the concomitant limitations and provisions, where appropriate, to allow the balance of Order No. R5-2002-0108 to continue in full force.
12. The action to amend Order No. R5-2002-0108 is exempt from the provisions of Chapter 3 of the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) in accordance with Title 14 California Code of Regulations, Section 15301 (existing facility), and Title 14 California Code of Regulations Section 15061(b)(3).
13. On **[DATE]**, after due notice to the Discharger and all other affected persons, a public hearing was held and all evidence received concerning amendment of Order No. R5-2002-0108 was considered.

IT IS HEREBY ORDERED that, pursuant to California Water Code Sections 13263 and 13377, NPDES Permit No. CA0081388 is rescinded, and Order No. R5-2002-0108 is amended as follows:

1. Discharge Prohibition A.2 is superseded with the following: "The By-pass or overflow of untreated or partially treated wastes is prohibited except as allowed by Standard Provision E.2."

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2. Provision F.1 is amended to replace reference to "*Standard Provisions and Reporting Requirements for Waste Discharge Requirements (NPDES), dated 1 March 1991*" with "*Standard Provisions and Reporting Requirements for Waste Discharge Requirements, 1 March 1991*".
3. Provision F.11 is amended to replace reference to "*The statement shall comply with the signatory paragraph of Standard Provision D.6...*" with "*The statement shall comply with the signatory paragraph of Standard Provision B.3...*".
4. Provision F.15 is rescinded and void.

I, Pamela C. Creedon, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Central Valley Region, on **[DATE]**.

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PAMELA C. CREEDON, Executive Officer

DAM: 7/27/07